

June 14, 2001

FACT SHEET

PARTIAL WITHDRAWAL OF DIRECT FINAL RULE AMENDING CERTAIN ASPECTS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY AND INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

TODAY'S ACTION

- ! The U.S. Environmental Protection Agency (EPA) is withdrawing two provisions from the direct final rule published on April 10, 2001 to amend the emissions monitoring and compliance provisions for steam generating units used in combined cycle systems for electricity production. EPA is moving ahead to promulgate all of the other provisions of the direct final rule for which it did not receive adverse comments. The Agency is adopting these amendments to ensure that all owners and/or operators of duct burners have similar compliance requirements and similar exemptions for their monitoring requirements.

- ! The two provisions that are being withdrawn are the revised definition of "boiler operating day" and the data substitution requirement for missing data.

- ! EPA received adverse comment on these provisions during the public comment period for the direct final rule. After reviewing the comments, the Agency agrees that these provisions are inconsistent with existing regulatory provisions relating to procedures on determining compliance and independent of the provisions addressing the compliance procedures for duct burners, the comments will not be addressed in a subsequent final action.

- ! The provisions in the direct final rule for which EPA did not receive relevant adverse comment will become effective on June 11, 2001 as provided in the April 10, 2001 direct final rule.

BACKGROUND

- ! Under the Clean Air Act EPA is required to set new source performance standards (NSPS). These standards are uniform national air emission standards that limit the amount of air pollution allowed from new sources or modified existing sources.

- ! In September 1998, EPA published revised NSPS for emissions of nitrogen oxides (NO_x) from both new utility boilers and new industrial boilers. These standards are based on the performance of the of best control technologies used by comparable facilities. These revisions also changed the NO_x emission limit for new electric utility steam generating units from a heat

input basis to an electrical output basis to promote energy efficiency.

- ! Since EPA issued the rule in September 1998, the Agency became concerned about several issues raised from inquiries by stakeholders and permitting agencies. These include: how gross output from a duct burner, a combustion device used to heat exhaust gases before steam generation, would actually be measured and monitored; and how the NO_x emissions attributable to duct burners can be continuously monitored.
- ! Duct burners contribute only a portion of the NO_x emissions emitted from industrial-commercial-institutional and energy production combined cycle units. The remaining NO_x emissions come from the combustion turbine which is also regulated under NSPS.
- ! On April 10, 2001, EPA published a direct final rule (66 FR 18546) and a notice of proposed rulemaking (66 FR 18579) to amend the emissions monitoring and compliance provisions for steam generating units used in industrial, commercial, or institutional processes and in electricity generation.
- ! EPA stated in the direct final rule that if adverse comments were received by May 10, 2001 on one or more distinct provisions of the direct final rule, a timely withdrawal of those distinct provisions would be published, before its effective date of June 11, 2001, in the Federal Register.

EFFECT OF THIS ACTION

- ! The partial withdrawal of the direct final rule will not delay the effective date of the other aspects of this rule, including corrections and compliance alternatives it contained. The withdrawal will not affect emissions reductions or the control costs anticipated for the April 2001 rule.
- ! The clarifications and corrections contained in the direct final rule should make it easier for owners and operators of duct burners and for local and State authorities to understand and implement the applicable requirements in NSPS regulations.

FOR MORE INFORMATION

- ! Interested parties can download the amendments from EPA's web site under "recent actions" at the following address: <http://epa.gov/ttn/oarpg>. For other information regarding utility and industrial boilers, visit EPA's web site at: <http://www.epa.gov/ttn/atw/combust/boiler/boilnsps.html>.
- ! For further information, contact Jim Eddinger at EPA's Office of Air Quality Planning and

Standards at 919-541-5426.